

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

REGINA BOER, et al.,

Plaintiffs,

v.

VICTOR A MATOS, et al.,

Defendants.

Case No. 2:25-CV-00179-GSL-APR

**OPINION AND ORDER**

On April 19, 2024, Plaintiff brought this action in Lake County Superior Court. [DE 6]. Plaintiff failed to serve the Complaint and Summons on Defendants within sixty days, so on November 29, 2024, Defendants moved to dismiss the case. [DE 9]. The state court judge set the motion for hearing. [DE 1-1, page 33]. On January 7, 2025, prior to the date of the hearing, Plaintiff perfected service on Defendant JB Hunt Transportation, Inc. [*Id.* at page 37]. Shortly thereafter, Defendant JB Transportation, Inc. requested the state court judge for additional time to file an answer or other responsive pleading to the Complaint. [*Id.* at page 38]. Defendant expressed its intention to “investigate the issues and prepare a response,” or in other words, litigate the merits of the case. [*Id.*]. The state court judge granted the request and vacated the hearing on Defendant’s motion to dismiss. [DE 11-2]. Defendant filed its Answer on February 13, 2025. [DE 7].

Defendant removed this case, and the matter is now before this Court. [DE 1]. After reviewing the state court record, the Court finds that a dispositive ruling on Defendants’ motion to dismiss [DE 9] is no longer necessary. Specifically, the Court notes the state court judge vacating the hearing on the motion, Defendant filing an Answer to the Complaint, and both

parties' manifested intention to proceed with the litigation. Moreover, the grounds for dismissal of the case are no longer present: Plaintiff perfected service upon Defendant JB Transportation, Inc.<sup>1</sup> Therefore, Defendant's Motion to Dismiss [DE 9] is DENIED as moot.

SO ORDERED.

ENTERED: June 6, 2025

/s/ GRETCHEN S. LUND  
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Judge  
United States District Court

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<sup>1</sup> As of the date of this Order, Plaintiff has failed to show proof of service on Defendant J.B. Hunt Transportation (the Complaint distinguishes this party from "J.B. Transportation, Inc.") and Defendant Victor A. Matos.